



Maryland Department of Planning

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Deputy Secretary

July 1, 2008

Mr. Henry Burden
Town Administrator
Town of Charlestown
P.O. Box 154
Charlestown, MD 21914

RE: Charlestown Comprehensive Plan

Dear Mr. Burden:

Thank you for providing the Maryland Department of Planning with copies of the referenced Comprehensive Plan for State agency review. We have sent copies of the Plan to the Maryland Departments of Transportation, Environment, Natural Resources, Business and Economic Development, Housing and Community Development, Agriculture, and the Maryland Emergency Management Agency.

Any plan review comments received to date from the various State agencies have been included as attachments for your consideration. We have delayed our review in anticipation of receipt of other agencies and will forward them under separate cover when they are received.

Our planning staff has also reviewed the proposed update for consistency with the Planning Act of 1992, the Smart Growth Areas Act of 1997, HB1141, and other State growth management principles and policies. Our review comments are attached for your consideration.

Please contact me at 410-767-4500 if you have any questions about these comments or if we can be of any further assistance.

The Maryland Department of Planning looks forward to our continued planning coordination with the Town.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Stephanie Martins'.

Stephanie Martins
Director, Planning Analysis and Local Assistance

cc: Mark Gradecak
Attachments

Maryland Department of Planning
Review Comments
Draft Charlestown Comprehensive Plan

GENERAL BACKGROUND

During the 2006 legislative session House Bill 1141 was passed requiring Counties and Municipalities address several new elements within their Comprehensive Plans. Under the provisions of this law all new elements will need to be included into comprehensive plans by October 1, 2009. Guidance documents for the Municipal Growth Element and the Water Resources Element are available at the Maryland Department of Planning website (<http://www.mdp.state.md.us/>). MDP has reviewed the draft plan for compliance and offers the following comments.

MUNICIPAL GROWTH ELEMENT

MDP has reviewed the Town's Municipal Growth Element and determined that, although many of the requirements of HB 1141 have been sufficiently addressed, several modifications could be made to better comply with this legislation.

The purpose of the Municipal Growth Element is to identify areas for future growth consistent with the long-range vision of the Town for its future. The growth element should be developed based on consideration of several factors including population projections, an assessment of land capacity and needs and an assessment of infrastructure and sensitive areas.

POPULATION PROJECTIONS AND BUILD OUT ANALYSIS

The Town has done a good job of incorporating population projections and a development capacity/build out analysis into the draft plan. However, it is difficult to determine the link or relationship between future growth projections and the build out analysis for the Town.

The population of Charlestown is projected to increase by 1,056 persons by 2025, from 1,196 in 2000 to 2,075 in 2025 (pg 5-6). The Plan further estimates the development capacity within the current corporate limits to be about 441 infill lots. How does the projected population for the Town correspond to the available land supply (capacity)? If the change in population were divided by the available lots the average household size would be 2.4; lower than the County average household size in 2000 of 2.7 and MDP's projected household size for the County of 2.6 in 2030. One could interpret this to mean that the Town has a slightly higher supply of land than needed to accommodate the projected growth. An analysis and discussion of this relationship should be provided within the plan.

Additionally, once the Town determines the relationship between land supply and population demand the Town can more readily estimate the need for future annexation, when and how much land.

Currently the plan shows a substantial growth area, totaling 1,056 acres (minus conservation areas). Given the Town's projected growth over the next 25 years the size of the growth area may not encourage the most advantageous use of land. The growth area should be reflective of future growth trends and projections.

If a balance does not exist between land supply and demand then two scenarios will exist:

- Provide too little land for development (be it greenfields, redevelopment, or infill), and the land cost will become too high or development may spill over to adjacent areas.
- Provide too much land for development and it will tend to be used inefficiently. In addition, plans and growth controls will be marginalized because there are an abundance of location options for each new development.

The plan states numerous times that "No additional residential units are anticipated to be added to Charlestown as a result of new annexations" (pg 6 and 5-6). And then states on page 5-8 that the annexation of properties in the growth area, are not anticipated within the next 6 years. However, the Town does anticipate future annexation and development at some point. From these statements it appears that the Town is not clear on how, where and when it wants to grow. The purpose of the Municipal Growth Element is to identify areas for future growth consistent with the long-range vision of the Town for its future. The Town may want to assess the size of the annexation areas (growth areas), their future purpose and a timeframe to ensure proper land management.

Also, better defining the vision for the growth area would help better estimate the impacts of future growth on the Town and County's infrastructure. The plan currently estimates the impact on infrastructure based on two blanket scenarios the first assuming a density of 2 du/acre and the second 3.5. While this section is very thorough and provides an excellent overview of the impacts, it would be better used if the first scenario used a planned scenario based on the Town's vision for growth.

Additionally the Town should ensure that the following requirements are addressed in the Plan:

- The plan should state the type, density, and timeframe for future annexations. While the two scenarios provide a good overview it is important for the Town to define how they would like to grow in the future, when, where and at what density.
- A discussion on how the build-out analysis corresponds to projected growth.
- A more detailed plan for how the Town plans on financing future facility needs is necessary. If it is the Town's intent that developer(s) absorb infrastructure expenses associated with major development, what portion of the costs should developer(s) absorb? Should the developer(s) donate land for a school site, pay for the update of a treatment plant, or increase capacity for public water? Under what conditions should the developers provide such assistance?

PRIORITY FUNDING AREAS

- Map 5-1 shows Priority Funding Areas within the Town. It would be helpful if a discussion of these areas were provided in the draft plan.

- It is important to note that in the plan scenario one used to estimate the development impacts with the future growth area used an average density of 2 dwelling units per acre. Thus, areas annexed into the Town would not meet the State requirements for Priority Funding Areas and would not be eligible to receive state funds for growth related projects.
- Also, please note that any annexations after October 1, 2006, must be submitted to the MDP for PFA certifications. Properties annexed into the Town do not retain County PFA status and do not automatically become PFAs.

WATER RESOURCES ELEMENT

To ensure the adequacy of water supplies to support the existing and future development in the proposed land use plan, the Town of Charlestown Master Plan includes a demand forecast and compares this to expected capacity (p. 8-4). In addition, the plan discusses methods of protecting the town's source water (p. 8-7).

Comments on the water demand analysis include:

- Update all text and tables throughout the document referring to the MDE groundwater appropriation permit (GAP). In the Water Resources Element (p. 8-2), the town indicates that a modest increase to the permit was approved by MDE in 2005. Other sections of the plan do not include the updated permit information - the Executive Summary text states, "by 2015 water usage will exceed the water system's average daily flow capacity" (p. 10), which under the updated permit would not be true; the Community Facilities section does not mention the updated permit (p. 7-5).
- Since 99% of water capacity is forecasted to be used by 2025, note that a system expansion or critical review of the water system will be needed much earlier than 2025.

Comments on the proposed methods for protecting the town's source water:

- The plan should clarify whether development in the town could impact recharge and water quality of the Potomac aquifer due to its location within the outcrop area of the Potomac Group (p. 8-1).

The Town of Charlestown Master Plan identifies the streams affected by land use impacts (p. 8-11), maps the watersheds that drain into the streams (p. 8-11), describes land use within the watershed (p. 8-12) and identifies the WWTP discharge point location (p. 7-5). Also, the plan includes a discussion of whether the streams are suitable receiving waters for expected land use impacts (p. 8-17), and includes forecasts of wastewater impacts (p. 8-13) and stormwater impacts (p. 8-17), although some improvements could be made.

Comments on identifying suitable receiving waters:

- As part of its Water Resource Element, the town should include a forecast of septic tank pollution and should consider the non-point source pollution impacts from stormwater that infiltrates into the soil.

- The town's stormwater pollution forecast measures the total stormwater runoff pollution from infill development. Another approach would be to measure the increase or decrease in stormwater runoff pollution from infill development compared to the previous land cover.
- The town should measure the stormwater runoff pollution from existing land uses within the town and expected pollution from build-out of its growth areas. Given that Cecil County's growth plans (and future zoning) might be different than Charlestown's, the town should work with Cecil County to evaluate potential pollution from the growth areas and add this to the discussion of suitability of local receiving waters.
 - MDE can assist with wastewater and nonpoint source pollution (i.e., septic tanks, stormwater) impact forecasts.
 - The Maryland Department of Planning (MDP) can forecast future land use patterns and future number of septic tanks – both are necessary inputs for wastewater and nonpoint source pollution impact forecasts.
- Provide more details on plans for coordinating land use and growth plans with Cecil County and the Town of North East as a step towards implementing the North East River TMDL. Consider whether the growth plans (and expected zoning and development requirements) of the towns and County would be protective of the North East River or if changes might be needed.
- Details of the TMDL on page 8-15 should be moved to the general discussion of TMDLs on page 8-12.
- The town includes a forecast of future wastewater demand (p. 8-10).
 - Make more clear which data source the 2003-2006 sewage influent data are from (different references are listed on p. 7-5 and p. 8-8). Indicate whether these are forecasts or actual measurements.
 - Explain possible reasons why "past projections for average daily flow have been underestimated" (p. 8-8), otherwise the paragraph does not appear to be needed. Provide the data source for the MDP projection.
 - Also on page 8-8, indicate that the 2.67 MGD capacity "can be obtained" versus "may be reached" and note whether a plant expansion, in addition to the ENR upgrade, would be needed.
- The plan makes an assumption regarding the granting of sewer allocation to all phases of new subdivisions in Charlestown by Cecil County (p. 5-15). The town should know whether the capacity has been allocated. If the town does not know for certain, then this underscores the importance for "Cecil County to establish official processes/procedures for water and sewer allocation" called for in the plan (p. 3-3). These procedures should include formal notification when capacity has been officially allocated. In addition, both the water and sewer allocation procedures should be discussed and coordinated with Cecil County during their comprehensive plan update.

- Indicate the number of septic tanks that exist within the current town boundaries and within the proposed growth area. The plan mentions addressing failing septic tanks at Holloway Beach (p. 9). Note whether the county plans to connect these systems to the regional WWTP, and if so, how this would impact available WWTP capacity to accommodate future demand. The exact amount of capacity needed to connect existing septic tanks should be provided.
- The Town of Charlestown Master Plan identifies many different policies, objectives, and strategies that can help reduce pollution. The Water Resource Element should refer to these, noting that these efforts might help to make water bodies more suitable for receiving wastewater and stormwater impacts from existing and future development. Some of these include green corridors (p. 4-5), green buildings (p. 11-8), adaptive reuse of existing structures (p. 4-7), tree planting programs (pp. 6-7, 6-20), mixed use communities (p. 5-17), Clean Marina efforts (p. 4-8), and protection of highly erodible soils (p. 6-22).

Other water resource planning comments:

- Add a water resources section to the Implementation chapter. Throughout the comprehensive plan, make more explicit what the water resources goals and policies are and how these relate to the results of analyses and forecasts presented in the plan.
- For the town's proposed growth area, the dwelling units, population, and water/sewer demand figures in the Executive Summary (pp. 10-11) do not match the demand figures in the Municipal Growth Element (p. 5-17) or Water Resources Element (pp. 8-5, 8-10).
- The Municipal Growth Element mentions the environmental benefit of "compact mixed-use communities" in "addressing resource protection and water quality requirements" (p. 5-17). To clarify this important concept, the plan should note that some of the environmental benefits include: reduction of the loss of forest land needed for development, reduction in vehicle miles traveled (VMTs) and associated air pollution, and reduction in new septic tanks added.
- In recognition of the importance of protecting and restoring the Chesapeake Bay and its tributaries, including the North East River, the Sensitive Areas element should discuss how the town will contribute towards implementing the Chesapeake Bay Tributary Strategy. In the Resource Conservation chapter (p. 6-22), implementation of several Tributary Strategy best management practices, including urban nutrient management, forested buffers, and stream restoration, are encouraged. Explain the link between these efforts and implementation of the Tributary Strategy.
- Although the plan recommends developing ordinances to protect Forest Interior Dwelling Species (FIDS) in the proposed growth areas (p. 6-20), and identifies "conservation corridors" in the growth areas that will be off-limits for building (pp. 5-9, 5-16), given that forest land is the most beneficial land use for protecting water quality, the plan also should require preservation of forested buffers along all waterbodies in the growth areas. This requirement could be included as part of the proposed planned unit development (PUD) ordinance (p. 11-6) and/or development regulations to implement the Green Corridor land use designation (p. 11-11). Note: the information presented in the plan

regarding the Forest Conservation Act requirements for stream buffers (p. 6-20) should be reviewed against COMAR 08.19.03.01 for consistency.

- The plan should mention whether the proposed growth areas are within Priority Funding Areas (PFAs) and the benefits of being located within a PFA.
- Please refer to the review criteria (pp. 27, 32-33, 39-40) in the Water Resource Element Models & Guidelines document for further guidance - <http://www.mdp.state.md.us/mgs/pdf/mg26.pdf>.
- For more information on the Chesapeake Bay Tributary Strategy, see http://www.dnr.state.md.us/bay/tribstrat/implementation_plan.html

GENERAL COMMENTS

- Page 2-2- The headings for each of the data items in Table 2-1 are missing.
- Page 2-1 states that the Maryland Department of Planning (MDP) estimates the Towns 2005 population, the MDP does not provide estimates of population. These figures are provided by the United States Census Bureau, division of population estimates.